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FAX TRANSMITTAL

RECEIVED
CENTRAL FAX CENTER
APR 05 2007

Date: April 5, 2007

No. of Pages: 9 (Including this page)

To: Central Facsimile Number

From: Jan Hostasa

Of: USPTO

Fax: (740) 321-8024

Fax: (571) 273-8300

Phone: (740) 321-7168

SUBJECT: Response

Serial No.: U.S. Patent Application 10/761,996, filed January 21, 2004

I hereby certify that a Response is being transmitted to the Central Facsimile Number, at the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on April 5, 2007.

April 5, 2007

Jan Hostasa

(Date of Deposit)

(Name of Depositor)

(Signature)

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately and return the original message to us by mail. Thank you.

RECEIVED
CENTRAL FAX CENTER Attorney Docket No.: 25003B
APR 05 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Phillips)
Serial No.: 10/761,996)
Confirmation No.: 4300) Group Art Unit: 3635
Filed: January 21, 2004)
For: Simulated Wood Shake Shingle) Examiner: Katcheves
Having Vertical Shadow Lines)

STATEMENT FOR PETITION TO REVIVE ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(B)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

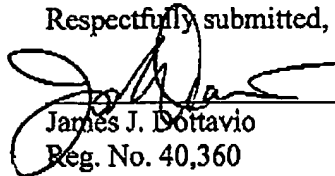
Sir:

Applicants herewith submit this response in reply to the petition dismissal dated February 5, 2007. This petition includes all information not included in the previously filed petition. Applicants submit this Statement as an attachment to the Petition For Revival Of An Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) (Form PCT/SB/64) to revive the above captioned application. The abandonment was unintentional.

Applicants did not receive a copy of the Office Action mailed on January 31, 2006, and were not aware one had been mailed until contacted by Examiner Katcheves on August 3, 2006. Applicant searched the file jacket (Exhibit A) and docket records (Exhibit B), and found no record where the Office communication had been received or docketed. A copy of the Notice of Abandonment is enclosed as Exhibit C. This Notice is dated August 24, 2006.

If any additional fees are required with the filing of this response, Applicant requests that all necessary fees be charged to Deposit Account No. 50-0568.

Respectfully submitted,



James J. Dattavio

Reg. No. 40,360

Date: _____

4-5-07

Owens Corning
Patent Dept., Bldg. 11
2790 Columbus Road
Granville, Ohio 43023
(740) 321-7167

APR 05 2007

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

25003B

First named inventor: Phillips

Application No.: 10/761,996

Art Unit: 3635

Filed: January 21, 2004

Examiner: Katcheves

Title: SIMULATED WOOD SHAKE SHINGLE HAVING VERTICAL SHADOW LINES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-05)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

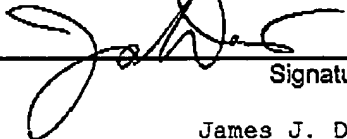
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

James J. Dottavio

Typed or printed name

2790 Columbus Road, Bldg. 11-7

Address

Granville, Ohio 43023-1200

Address

4-5-07

Date

40,360

Registration Number, if applicable

740/321-7167

Telephone Number

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

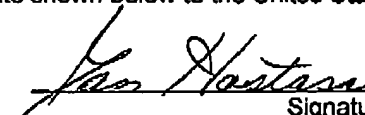
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

4/5/07

Date



Signature

Jan Hostasa

Typed or printed name of person signing certificate

EXHIBIT A

UNITED STATES PATENT APPLICATION

INVENTOR (S) <i>JOHN D. PHILLIPS</i>	DOCKET NO. <i>25003B</i>
	SERIAL NO. <i>10/761,996</i>
TITLE <i>SIMULATED WOOD SHAKE SHINGLE</i>	FILING DATE <i>1/21/04</i>
<i>HAVING VERTICAL SHADOW LINES</i>	CONFIRMATION NUMBER <i>4300</i>
ASSOCIATE	RESP. ATTORNEY <i>JJD</i>
PRIORITY APPLICATION (S) <i>DIV OF 25003A (09/934,915) FILED 8/22/01</i>	Operating Division - Technology <i>ESB</i>
OTHER RELATED APPLICATION (S) <i>WHICH IS A CIP OF 24833A (09/607,489)</i>	ASSIGNMENT RECORDED
OWNER	REEL FRAI

Actions	Mailing/Filing Date	Resp. Due
<i>Filing Receipt</i>	<i>4/26 2004</i>	<i>20</i>
<i>Missing Parts</i>	<i>4/26 2004</i>	<i>6/26 2004</i>
<i>Missing Parts</i>	<i>5/6 2004</i>	<i>20</i>
<i>Updated Filing Receipt</i>	<i>5/21 2004</i>	<i>20</i>
<i>IDS</i>	<i>6/11 2004</i>	<i>20</i>
<i>Notice of Publication</i>	<i>9/20 2004</i>	<i>20</i>
<i>Reaction</i>	<i>3/15 2005</i>	<i>6/15 2005</i>
<i>Response: Replumment Degr</i>	<i>6/2 2005</i>	<i>20</i>
<i>Final Rejection</i>	<i>9/16 2005</i>	<i>12/16 2005</i>
<i>Response</i>	<i>10/31 2005</i>	<i>20</i>
<i>Adversary Actions</i>	<i>11/9 2005</i>	<i>20</i>
<i>RCE</i>	<i>11/17 2005</i>	<i>20</i>
<i>Notice of Abandonment</i>	<i>8/24 2006</i>	<i>20</i>
<i>Petition to Revere</i>	<i>9/7 2006</i>	<i>20</i>
<i>Petition Dismissed</i>	<i>2/5 2007</i>	<i>4/5 2007</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>
	<i>20</i>	<i>20</i>

CORRES. FOREIGN APPLS. FILED IN:

ISSUE

PATEN

ASSIG

*EXHIBIT B***Country Application**

Tuesday, April 03, 2007

Case Number: 25003
 Client: Roofing & Asphalt
 Case Type: DIV
 Application Number: 10/761,996
 Publication Number: 04-0168761
 Patent Number:
 Parent/PCT Number:
 Parent Issue Number:
 Agent:
 Agent Reference No.:

Country: US SubCase: B
 United States of America
 Application Status: Published
 Filing Date: 21-Jan-2004
 Publication Date: 02-Sep-2004
 Issue Date:
 Parent/PCT Date : 22-Aug-2001
 Parent Issue Date :
 Expiration Date:
 PTA: 0
 Tax Schedule: LE
 Confirmation

List Of Actions

Action(s) Due	Due Date	Due Date	Action
Information Disclosure Stmtnt	21-Apr-2004	Due Date	11-Jun-2004
MISSING PARTS	26-Jun-2004	Due Date	06-May-2004
1 MON EXTENSION	26-Jul-2004	Due Date	06-May-2004
2 MON EXTENSION	26-Aug-2004	Reminder	06-May-2004
3 MON EXTENSION	26-Sep-2004	Reminder	06-May-2004
4 MON EXTENSION	26-Oct-2004	Reminder	06-May-2004
FINAL MSNG PRTS	26-Nov-2004	Final	06-May-2004
Information Dis Follow Up Date	11-Dec-2004	Due Date	11-Jun-2004
3 MON RESPONSE	15-Jun-2005	Due Date	02-Jun-2005
1 MON EXTENSION	15-Jul-2005	Due Date	02-Jun-2005
Application Status Check	21-Jul-2005	Due Date	
2 MON EXTENSION	15-Aug-2005	Due Date	02-Jun-2005
6 MON FINAL	15-Sep-2005	Final	02-Jun-2005
FINAL 2 MON	16-Nov-2005	Due Date	17-Nov-2005
FINAL 3 MON	16-Dec-2005	Due Date	17-Nov-2005
FINAL 1 MON EXT	16-Jan-2006	Due Date	17-Nov-2005
FINAL 2 MON EXT	16-Feb-2006	Reminder	17-Nov-2005
FINAL 6 MON	16-Mar-2006	Final	17-Nov-2005
Response Due	05-Apr-2007	Due Date	
1st Extension	05-May-2007	Due Date	
2nd Extension	05-Jun-2007	Due Date	
3rd Extension	05-Jul-2007	Due Date	
6 Month Final Date	05-Aug-2007	Final	

Apr. 5. 2007 10:01AM

Owens Corning

No. 8444 P. 8

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,996	01/21/2004	John D. Phillips	25003B	4300

22889 7390 08/24/2006

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023



EXAMINER

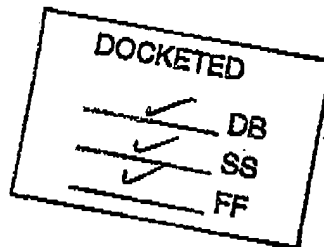
KATCHEVES, BASIL S

ART UNIT PAPER NUMBER

3635

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



APR 05 2007

Notice of Abandonment

Application No.

10/761,996

Examiner

Basil Katchevas

Applicant(s)

PHILLIPS, JOHN D.

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 31 January 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Telephone conversation with James Dottavio on 8/3/06, applicant claims action was not received and therefore no response has been filed.

Basil Katchevas
 BASIL KATCHEVAS
 ATTORNEY
 8/18/06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20060818